

**DURHAM, NORTH CAROLINA  
MONDAY, NOVEMBER 6, 2000  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time he announced the annual commemoration of Veteran's Day will be held Saturday, November 11 at 11:00 am, at the Durham County Courthouse.

Council Member Langley made comments about her attendance at the Durham Magnet School For the Arts Fall Concert, the New Walk Community Awards Banquet, and her speaking engagement at Glenn Elementary School.

Mayor Pro Tempore Clement congratulated former City Council Member Shirley Caesar for being inducted into the Gospel Music Hall of Fame and announced his attendance at the NAACP Banquet.

Council Member Hill thanked the Fire Department for the golf tournament they sponsored. Also, he recognized law students from Duke University who worked with Council Member Wagstaff and the children in North/East Central Durham.

Council Member Jacobs noted that she attended the 90<sup>th</sup> Anniversary celebration of NCCU. Also, she made comments about her attendance a few weeks ago at the opening exhibition of *"To Conserve Legacy: American Art From Historically Black Colleges and Universities"* that will be here until December 3.

Council Member McKissick informed his colleagues the Legislative Committee would meet Friday, November 10 at 8:30 a.m. Also, he made comments about the meeting held on November 3.

Mayor Tennyson read a proclamation designating November 13-19, 2000 as "Durham Recycles Week".

Council Member Jacobs read a "Resolution Memorializing C. Eric Lincoln."

Mayor Tennyson asked for priority items. City Manager Ewell recognized Parks & Recreation Director Johnny Ford who acknowledged and thanked the C. M. Herndon Foundation Board of Directors [Marshall T. Spears, Jr., Gus Godwin and Robert Bailey] for their donation for the C. M. Herndon Park on Scott King Road.

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Attorney Marshall T. Spears, Jr. made comments on behalf of the Board.

Relative to General Business Agenda Item #8 -- [ZONING CASE: P00-68 - CITY OF DURHAM - CALBAR/DEALERS SUPPLY - 19.629 ACRES SOUTH OF RIDDLE ROAD AND DURHAM & SOUTHERN RAILROAD AT BRIGGS AVENUE (TAX MAP #406-1-3, 3C AND #566-3-24A)]-- City Manager Ewell noted outstanding issues have been resolved concerning the rezoning.

There were no priority items from the City Attorney and City Clerk.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Mayor Tennyson noted that Consent Item #18 [CITY COUNCIL PROCEDURES COMMITTEE - QUESTIONS RELATED TO DOWNSIZING THE CITY COUNCIL] was removed at the COW Meeting by Council Member McKissick.

Council Member Blyth pulled Consent Item #4--SUSPENSION OF INSPECTION FEE WAIVER FOR DURHAM HOUSING AUTHORITY - HOPE VI GRANTS.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: PARKS AND RECREATION MASTER PLAN**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report on the Durham Parks and Recreation Master Plan was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: REPORT FROM DURHAM BUSINESSES AGAINST CRIME**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from Durham Businesses Against Crime was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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**SUBJECT: POLICE DEPARTMENT'S QUARTERLY REPORT FOR THIRD QUARTER OF CALENDAR YEAR 2000**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive an oral presentation on the Police Department's Quarterly Report for the third quarter of Calendar Year 2000 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: FISCAL YEAR 2000-01 BUDGET ORDINANCE AMENDMENT #2 - CORRECTION TO BUDGET ORDINANCE AMENDMENT #1**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Amending the 2000-01 City of Durham Budget Ordinance, As Amended, the Same Being Ordinance 12001" was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12094**

**SUBJECT: FISCAL YEAR 2000-01 BUDGET ORDINANCE AMENDMENT #3**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Amending the 2000-01 City of Durham Budget Ordinance, As Amended, the Same Being Ordinance 12001" was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12095**

**SUBJECT: GRANT PROJECT ORDINANCE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION INTERN PROGRAM**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt the "City of Durham Grant Project Ordinance Public Transportation Intern" was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12096**

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**SUBJECT: PROFESSIONAL SERVICES SELECTION FOR DATA OPERATIONS, MAINTENANCE AND ADMINISTRATIVE FACILITY - RWC, INC.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to award the professional services contract to RWC, Inc. in a fixed amount equal to \$692,000.00 with reimbursable expenses not to exceed \$10,000.00 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SPACE STANDARDS, SPACE PROJECTIONS AND MASTER PLAN FOR THE CITY HALL COMPLEX**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on the *Space Standards, Space Projections and Master Plan for the City Hall Complex* was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR CITY OF DURHAM/DUKE UNIVERSITY 9-1-1 BACK-UP COMMUNICATIONS FACILITY - EI CONSTRUCTION SERVICES, INC.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with EI Construction Services, Inc. in the amount of \$586,000.00 for the City of Durham/Duke University 9-1-1 Back-Up Communications Facility construction; and

To approve a contingency amount for this construction project in the amount of \$93,760.00; and

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED EASEMENT TO VERIZON SOUTH, INCORPORATED ON CITY TRACT #1482 - VALLEY SPRINGS ROAD PARK**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the conveyance of an easement to Verizon South, Incorporated on City Tract #1482 at Valley Spring Road Park, Tax

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Map #771-01-001B, for \$3,500.00; and

To authorize the Mayor to enter into a Perpetual Easement Agreement with Verizon South, Incorporated that is consistent with the presentation made by staff to the Council was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED SALE OF PROPERTY AT 606 HOLLOWAY STREET AND 610 HOLLOWAY STREET - LEONARD GLOVER - SHAUNA YATES**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to accept Leonard Glover's rescission to purchase the townhouse at 610 Holloway Street; and

To accept Leonard Glover's offer to purchase the townhouse at 606 Holloway Street for \$60,000.00, provided he receives final approval for the first and second mortgage loans; and

To accept Shauna Yates' offer to purchase the townhouse at 610 Holloway Street for \$60,000.00 provided she receives final approval for the first mortgage loan; and

To authorize the Mayor to convey both properties by a non-warranty deed was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED TWENTY-YEAR JOINT-USE AGREEMENT BETWEEN THE CITY OF DURHAM AND THE DURHAM PUBLIC SCHOOLS - FAYETTEVILLE STREET ELEMENTARY SCHOOL**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Joint-Use Agreement with the Durham Public Schools for use of play fields at Fayetteville Street Elementary School, in substantially the form and content as presented to City Council, but with such changes as may be deemed appropriate by the City Manager provided such changes do not materially affect the intent and purpose of the agreement was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT AMENDMENT - MICROSOFT ENTERPRISE SOFTWARE LICENSING AGREEMENT (TRUE-UP) - COMP USA/MICROSOFT LICENSING**

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**MOTION** by Council Member Larson seconded by Council Member Jacobs to amend the existing contract with Comp USA/Microsoft Licensing in the amount of \$28,600.00 to cover the cost of additional licenses was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SEWER BACK-UP CLAIM - 1614 NORTH DUKE STREET**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to pay a sewer back-up claim in an amount of \$6,024.79 for damages incurred at 1614 North Duke Street was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: DURHAM AFFORDABLE HOUSING COALITION, INC. CONTRACTUAL AGREEMENTS**

**a. Durham Affordable Housing Coalition, Inc. - Non-City Agency Funding**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a performance based contractual agreement with the Durham Affordable Housing Coalition, Inc. in an amount up to \$80,000.00 from the General Funds and to make any minor changes to the contract as are consistent with City Council approval was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**b. Durham Affordable Housing Coalition, Inc. - Community Development Block Grant Funding**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a performance based contractual agreement with the Durham Affordable Housing Coalition Inc. in an amount up to \$104,267.00 from Community Development Block Grant Funds and to make any minor changes to the contract as are consistent with the CDBG program and this City Council approval was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: DURHAM CIVIC CENTER AUTHORITY - MAYOR'S NOMINEE FOR RE-APPOINTMENT**

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**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Mayor's nomination of **Walter Craig Young** for re-appointment to the Durham Civic Center Authority for a term to expire July 31, 2002 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED URBAN GROWTH AREA (UGA) AMENDMENT (STRICKLAND PROPERTY)**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt "A Resolution Amending the Urban Growth Area Boundary"; and

To further UGA review to convene another meeting, possibly a retreat, to consider UGA issues [date to be determined] was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8710**

**SUBJECT: SITE PLAN APPROVAL - LINCOLN PARK WEST - BUILDING 106**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Lincoln Park West - Building 106, submitted by Kimley Horn and Associates, Inc., consisting of one building totalling 81,534 square feet, proposed on 13.24 acres, zoned I-2, and located north of T.W. Alexander Drive and east of Miami Boulevard (Tax Map #577A-01-15; PIN #0749-04-62-2877) was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL - SOUTHPARK AT HIGHWAY 54**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Southpark at Highway 54, submitted by Development Engineering, Inc. on behalf of Barton Real Estate, consisting of four two-story office buildings totalling 51,376 square feet and 206 parking spaces on a ±4.66 acre site zoned Office and Institutional-1(D) and Falls/Jordan-B Watershed Overlay, and located on the northeast corner of NC 54 and Southpark Drive (Tax Map #504-1-6, PIN #0718-02-67-9075) was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL - TRIANGLE HEART ASSOCIATES**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Triangle Heart Associates, submitted by Bobbitt & Associates, Inc., on behalf of M & W Properties, consisting of an 8,400 square foot, one-story addition to an existing 18,320 square foot medical office building, with 147 parking spaces, including 70 new spaces, on a ±3.755 acre site zoned Office and Institutional-1 and Falls/Jordan-B Watershed Overlay and located on the south side of an unnamed private street for Central Medical Park, east of Broad Street and north of Murray Avenue (Tax Map #326-2-6B, PIN #0823-19-70-0142) was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING - SC00-4, OLD CORNWALLIS ROAD**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution declaring the intent of the City Council to consider permanently closing 1,520± linear feet (2.14± acres) of Old Cornwallis Road and setting a public hearing on Monday, November 20, 2000 to consider permanently closing 1,520± linear feet (2.14± acres) of Old Cornwallis Road was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8711**

**SUBJECT: NORTH EAST CENTRAL DURHAM TASK FORCE REPORT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a status report concerning North East Central Durham was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: JORDAN LAKE ALLOCATION ROUND THREE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive an update on the Jordan Lake Allocation Round Three water supply allocation process and the progress of forming a regional agency for development of water supply from Jordan Lake



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was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION CONTRACT FOR IMPROVEMENTS AT ROCK QUARRY PARK - POLOVICK CONSTRUCTION CO., INC.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Polovick Construction Co., Inc. in the amount of \$293,650, with a contingency of \$60,000, for the construction of improvements to Rock Quarry Park; and

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION CONTRACT FOR RENOVATION OF FOREST HILLS PARK - POLOVICK CONSTRUCTION CO., INC.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Polovick Construction Co., Inc. in the amount of \$275,800, with a contingency of \$55,000, for the renovation of the Forest Hills Park playground; and

To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION CONTRACT FOR RENOVATION OF THE PLAYGROUNDS AT ROCKWOOD PARK AND VALLEY SPRINGS PARK - L.A. DOWNEY & SON, INC.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with L.A. Downey & Son, Inc. in the amount of \$258,000, with a contingency of \$55,000, for renovation of the playgrounds at Rockwood Park and Valley Springs Park; and

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To authorize the City Manager to make changes to the contract before executing it if the changes do not increase the compensation to be paid by the City and do not decrease the goods and services to be provided to the City was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: REPORT ON COMMUNITY LIFE COURT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report concerning the Community Life Court was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SIDEWALK DESIGN SERVICES - COULTER JEWELL THAMES, P.A.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract in an amount not to exceed \$80,000 with Coulter Jewell Thames, P.A. and to authorize the expenditure of up to \$80,000 from the Sidewalk Bond Account was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: DOWNTOWN PARKING REPORT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a status report regarding the Downtown Parking Study was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: RESOLUTION MEMORIALIZING RICHARD L. WATSON, JR.**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Memorializing Richard L. Watson, Jr." was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8712**

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**SUBJECT: MAYOR'S NOMINATION TO THE RECREATION ADVISORY COMMITTEE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the Mayor's nomination of **Richard H. Jaskot** as the Mayor's appointee to the Recreation Advisory Committee for a term to expire August 8, 2002 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CANCELLATION OF NOVEMBER 27, 2000 PUBLIC WORKS COMMITTEE MEETING**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve the cancellation of the November 27, 2000 Public Works Committee Meeting was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BID REPORT - MONTH OF SEPTEMBER 2000**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to approve and record in the minutes the following bids and items which were acted upon by the City Manager during the month of September 2000 was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**CITY OF DURHAM NORTH CAROLINA**

July 5, 2001

MEMO TO: P. Lamont Ewell  
City Manager

THROUGH: John G. Pedersen, Jr.  
Assistant City Manager

THROUGH: Navdeep S. Gill  
Finance Director

THROUGH: Kenneth C. Pennoyer  
Assistant Finance Director

FROM: Joseph W. Clark  
Purchasing Manager

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SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **September 2000**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

**1. Bid: Audiovisual Equipment for the Solid Waste Management Facility**

Purpose of Bid: To install audiovisual equipment in the new Solid Waste Management Facility Auditorium.

Comments: Bids were solicited to four vendors, only one responded.

Opened: August 16, 2000

Bidders: Long Communications Group \* \$67,386.00  
Morrisville, NC

\*Awarded based on: Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Long Communications Group of Morrisville, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms available to provide this product.

The workforce statistics for Long Communications group are as follows:

<u>2000 Corporate</u>			<u>2000 Location Performing on Contract</u>		
Total Workforce	132		Total Workforce	9	
Total # of Females	26	20%	Total # of Females	1	11%
Total # of Males	106	80%	Total # of Males	8	89%
Total # of Black Males	1	1%	Total # of Black Males	0	0%
Total # of White Males	104	79%	Total # of White Males	8	89%
Total # of Other Males	1	1%	Total # of Other Males	0	0%
Total # of Black Females	0	0%	Total # of Black Females	0	0%
Total # of White Females	25	19%	Total # of White Females	1	11%
Total # of Other Females	1	1%	Total # of Other Females	0	0%

Performance Bond: ☒ Waived ☐ Not Waived ☐ Not Required

**2. Bid: To repair a Caterpillar Diesel Engine**

Purpose of Bid: To repair a Caterpillar diesel engine

Comments: Gregory Poole Equipment Company is the sole regional source for Caterpillar parts, sales, and service.

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Opened: August 31, 2000

Bidders: Gregory Poole Equipment Company \* \$16,530.23  
Raleigh, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	628		# Black Males	29	04.62%
Total # Females	100	15.92%	# White Males	485	77.23%
Total # Males	528	84.08%	# Other Males	14	02.23%
			# Black Females	6	00.96%
			# White Females	93	14.81%
			# Other Females	1	00.16%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**3. Bid: Thirty S&W 45-calibur Semi-Automatic Handguns**

Purpose of Bid: To provide thirty School Resource Officers with firearms.

Comments:

Opened: September 8, 2000

Bidders:	Lawmen's Safety	* \$14,832.90
	Raleigh, NC	
	Southern Public Safety	\$15,080.40
	Greensboro, NC	
	New York Police Supply	\$18,099.00
	Rochester, NY	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	18		#Black Males	0	0%
Total # Females	11	61%	#White Males	7	39%
Total # Males	7	39%	#Other Males	0	0%
			# Black Females	0	0%
			#White Females	11	61%
			# Other Females	0	0%

Performance Bond: Waived \_\_\_\_\_ Not Waived ☒ not required

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The M/WBE Data Base was used in the solicitation of bids for this item.

**4. Bid: CADD Computers**

Purpose of Bid: To purchase thirteen CADD Computers

Comments:

Opened: September 20, 2000

Bidders:	Dell Computer Corporation	* \$61,866.35
	Round Rock, TX	
	Distinctive Business Machines	\$62,089.00
	Great Neck, NY	
	Tiger Direct	\$72,147.71
	Morrisville, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Dell Marketing L.P. of Round Rock, Texas to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms available to provide this product.

The workforce statistics for Dell Marketing L.P. are as follows:

1999			2000		
Total Workforce	14915		Total Workforce	20113	
Total # of Females	5126	34%	Total # of Females	7085	35%
Total # of Males	9807	66%	Total # of Males	13008	65%
Total # of Black Males	814	5%	Total # of Black Males	1209	6%
Total # of White Males	6994	47%	Total # of White Males	9076	45%
Total # of Other Males	1999	13%	Total # of Other Males	2723	14%
Total # of Black Females	627	4%	Total # of Black Females	987	5%
Total # of White Females	3341	22%	Total # of White Females	4459	22%
Total # of Other Females	1158	8%	Total # of Other Females	1639	8%

Performance Bond: ☒ Waived ☐ Not Waived ☐ Not Required

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR ASPHALTIC CONCRETE - NELLO L. TEER**

**a. MOTION** by Council Member Larson seconded by Council Member Jacobs to accept the bid from Nello L. Teer in the amount of

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\$164,518.10 for providing the City with its estimated annual requirements for asphaltic concrete; and

To authorize the City Manager to enter into a contract with Nello L. Teer in the amount of \$164,518.10 for providing the City with its estimated annual requirements for asphaltic concrete; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR THERMOPLASTIC PAVEMENT MARKING MATERIAL - ENNIS PAINT, INC.**

- b. **MOTION** by Council Member Larson seconded by Council Member Jacobs to accept the bid from Ennis Paint, Inc. in the amount of \$142,734.68 for providing the City with its estimated annual requirements for thermoplastic pavement marking material; and

To authorize the City Manager to enter in to a contract with Ennis Paint, Inc. in the amount of \$142,734.68 for providing the City with its estimated annual requirements for thermoplastic pavement marking material; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BIDS - ANNUAL VEHICLES - RICK HENDRICK CHEVROLET - BOBBY MURRAY CHEVROLET - UNIVERSITY FORD**

- 1) **MOTION** by Council Member Larson seconded by Council Member Jacobs to accept the bid from Rick Hendrick Chevrolet in the amount of \$501,264.97 for providing the City with eleven compact sedans (Item No. 1), seven mid-sized sedans (Item No. 2), three FWD police pursuit vehicles (Item No. 3), one 8,600 GVWR 4X4 service truck (Item No. 12), one 8,600 GVWR 4X4 service truck (Item No. 13), one 9,200 GVWR platform truck

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(Item No. 16), one 10,000 GVWR platform truck (Item No. 17), one 9,200 GVWR crew cab 4X4 utility truck (Item No. 19), one cutaway van (Item No. 20), one four-door utility vehicle (Item No. 21) and two mini passenger vans (Item No. 22); and

To authorize the City Manager to enter into a contract with Rick Hendrick Chevrolet in the amount of \$501,264.97 for providing the City with eleven compact sedans (Item No. 1), seven mid-sized sedans (Item No. 2), three FWD police pursuit vehicles (Item No. 3), one 8,600 GVWR 4X4 service truck (Item No. 12), one 8,600 GVWR 4X4 service truck (Item No. 13), one 9,200 GVWR platform truck (Item No. 16), one 10,000 GVWR platform truck (Item No. 17), one 9,200 GVWR crew cab 4X4 utility truck (Item No. 19), one cutaway van (Item No. 20), one four-door utility vehicle (Item No. 21) and two mini passenger vans (Item No. 22); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 2) MOTION** by Council Member Larson seconded by Council Member Jacobs to accept the bid from Bobby Murray Chevrolet in the amount of \$111,333.65 for providing the City with six compact pickup trucks (Item No. 7), one compact extended cab 4X4 pickup truck (Item No. 9) and one 9,200 GVWR dump truck (Item No. 14); and

To authorize the City Manager to enter into a contract with Bobby Murray in the amount of \$111,333.65 for providing the City with six compact pickup trucks (Item No. 7), one compact extended cab 4X4 pickup truck (Item No. 9) and one 9,200 GVWR dump truck (Item No. 14); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 3) MOTION** by Council Member Larson seconded by Council Member Jacobs to accept the bid from University Ford in the amount of \$1,298,258.20 for providing the City with three RWD police pursuit vehicles (Item No. 4), forty-five police patrol



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vehicles (Item No. 5), one full sized administrative vehicle (Item No. 6), five 8,600 GVWR pickup trucks (Item No. 10), three 8,600 GVWR 4X4 pickup trucks (Item No. 11), one 9,200 GVWR crew cab service truck (Item No. 15), and one 9,200 GVWR crew cab 4X4 service truck (Item No. 18); and

To authorize the City Manager to enter into a contract with University Ford in the amount of \$1,298,258.20 for providing the City with three RWD police pursuit vehicles (Item No. 4), forty-five police patrol vehicles (Item No. 5), one full sized administrative vehicle (Item No. 6), five 8,600 GVWR pickup trucks (Item No. 10), three 8,600 GVWR 4X4 pickup trucks (Item No. 11), one 9,200 GVWR crew cab service truck (Item No. 15), and one 9,200 GVWR crew cab 4X4 service truck (Item No. 18); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract; and

To waive the requirement for a Performance Bond for the aforementioned bidders was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: STOP SIGNS - BARBEE MEADOWS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Lane at Barbee Road, southwest corner;
- 2) Cibola Court at Coronado Lane, southeast corner;
- 3) Grand Mesa Drive at Coronado Lane, southeast corner; and
- 4) Calaveras Court at Coronado Lane, northwest corner.

**Ordinance #12097**

**SUBJECT: STOP SIGN - EDGEVALE ROAD**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Edgevale Road at Green Street, southeast corner was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek,

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Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12098**

**SUBJECT: STOP SIGNS - SCARSDALE VILLAGE**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Jason Court at Glasgow Street, southwest corner;
- 2) Haggis Court at Glasgow Street, northwest corner;
- 3) Sedley Court at Glasgow Street, northwest corner;
- 4) Harrigan Court at Glasgow Street, northwest corner;
- 5) York Court at Glasgow Street, southeast corner;
- 6) Chanter Court at Rowemont Drive, southeast corner;
- 7) McBenson Place at Rowemont Drive, northwest corner;
- 8) Cairn Court at Rowemont Drive, northwest corner; and
- 9) Tartan Court at Rowemont Drive, northwest corner.

**Ordinance #12099**

**SUBJECT: SPEED LIMIT REDUCTION - DOVER RIDGE SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to repeal Ordinance #11288, adopted November 3, 1997, establishing a 25 mile per hour speed limit on Laurent Drive from Memory Lane to Emperial Drive; and

To adopt an ordinance to establish a 25 mph speed limit on the following streets was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Laurent Drive from Memory Lane to end of cul-de-sac;
- 2) Powder Springs Place from Paces Ferry Drive to end of cul-de-sac;
- 3) Ballard Court from Garden Hills Court to end of cul-de-sac;
- 4) Dover Ridge Lane from Guess Road to end of cul-de-sac;
- 5) Paces Ferry Drive from Ballard Court west to end of cul-de-sac;
- 6) Paces Ferry Drive from Ballard Court east to end of cul-de-sac;
- 7) Summer Ridge Court from Cheshire Bridge Road to end of cul-de-sac;

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- 8) Cheshire Bridge Road from Dover Ridge Lane to end of cul-de-sac; and
- 9) Garden Hills Court from Cheshire Bridge Road to end of cul-de-sac.

**Ordinance #12100**

**Ordinance #12101**

**SUBJECT: PARKING - MARKET STREET**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an Ordinance to repeal the following was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Ordinance #11092, adopted 5-19-96, which established handicap parking on the west side of Market Street in the area beginning at a point 159 feet north of the north curb line of Main Street, if extended, and extending for a distance of 22 feet northwardly; and
- 2) That portion of Ordinance #11584, Section 1. (1), adopted 10-5-98, establishing one-hour parking between the hours of 7:00 a.m. and 6:00 p.m. on the west side of Market Street in the area beginning at a point 30 feet south of the south curb line of Chapel Hill Street, if extended, and extending for a distance of 210 feet southwardly; and

**Ordinance #12102**

- b. MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to establish handicap parking on the west side of Market Street in the area beginning at a point 124 feet south of the south curb line of Chapel Hill Street, if extended, and extending for a distance of 22 feet southwardly was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12103**

- c. MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to prohibit parking on the west side of Market Street in the area beginning at point 146 feet south of the south curb line of Chapel Hill Street, if extended, and extending for a distance of 22 feet southwardly was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs,

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Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.  
Absent: None.

**Ordinance #12104**

d. **MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to establish one-hour parking at the following locations:

- 1) on the west side of Market Street in the area beginning at a point 30 feet south of the south curb line of Chapel Hill Street, if extended, and extending for a distance of 94 feet southwardly; and
- 2) on the west side of Market Street in the area beginning at a point 168 feet south of the south curb line of Chapel Hill Street, if extended, and extending for a distance of 69 feet southwardly.

**Ordinance #12105**

**SUBJECT: WATER MAIN - NEW BERN PLACE FROM WOODBERRY ROAD TO END OF CUL-DE-SAC - SETTING PUBLIC HEARING TO CONSIDER ORDERING IMPROVEMENT**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to accept a Certificate from the Manager of Engineering for the petition for water main on New Bern Place from Woodberry Road to End of Cul-de-sac; and

To adopt a resolution setting a public hearing on Monday, November 20, 2000 to consider ordering the improvement was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SEWER MAIN - STEPHENS LANE FROM NORTH PROPERTY LINE OF TAX MAP #830-1-25 TO NORTH PROPERTY LINE OF TAX MAP #830-2-13 -SETTING PUBLIC HEARING TO CONSIDER ORDERING THE IMPROVEMENT UNDER THE ENABLING ACT AUTHORITY**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution setting a public hearing on Monday, November 20, 2000 to consider ordering sewer main on Stephens Lane from north property line of Tax Map #830-1-25 to north property line of Tax Map #830-2-13 under the Enabling Act Authority was approved at 7:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

**SUBJECT: SEWER MAIN - ALSTON AVENUE** FROM CARPENTER FLETCHER ROAD TO SOUTH PROPERTY LINE OF TAX MAP 547-1-3B - CONFIRMATION OF ASSESSMENT ROLL

Due to objections, Mr. Lee Murphy, of the Public Works Department, requested that the properties of Christmas and Kargar be referred to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the Assessment Roll for sewer main on Alston Avenue from Carpenter Fletcher Road to South Property Line of Tax Map 547-1-3B and to refer the assessments of Christmas and Kargar to the Public Works Committee was approved at 7:24 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SEWER MAIN - ONELUSKA DRIVE** FROM SHOCOREE DRIVE TO END OF 60 FOOT RIGHT OF WAY - ENABLING ACT AUTHORITY

To adopt a resolution ordering sewer main on Oneluska Drive from Shocoree Drive to end of 60 foot right of way under the Enabling Act Authority.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to continue the public hearing without further advertising until the November 20, 2000 City Council Meeting and to refer this item to the November 13, 2000 Public Works Committee Meeting was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: WATER MAIN - MASSEY CHAPEL ROAD** FROM NC 751 HIGHWAY TO ABRON DRIVE AND **ABRON DRIVE** FROM MASSEY CHAPEL ROAD TO END OF CUL-DE-SAC

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared

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closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering water main improvements on Massey Chapel Road from NC 751 Highway to Abron Drive and on Abron Drive from Massey Chapel Road to End of Cul-de-sac improvements was approved at 7:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CABLE TELEVISION FRANCHISE**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Doris McAdams, President of Roundtable for Seniors Citizens, expressed concern about the increasing cable rates urging Council to consider the concerns of the senior citizens during their negotiations with Time Warner, to invite Carolina Broadband for competition. Also, Ms. McAdams noted that she would be providing more information to Council on tomorrow.

Mayor Tennyson declared the public hearing closed.

Mayor Pro Tempore Clement urged his colleagues to take seriously the questions raised by Ms. McAdams.

Council Member McKissick made comments about the six-month extension of the franchise agreement.

City Manager P. Lamont Ewell outlined the need for the six-month extension. Also, he informed Council that Carolina Broadband has expressed an interest in Durham.

Council Member Larson made comments about the rates being tied to FCC rules.

Council Member Blyth made comments about creating a climate of competition.

Sharon Baker, Grants and Special Projects Manager, disclosed to Council that there were two signature pages to be added to the ordinance.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the extension of the current cable television franchise with Time Warner Inc. granted by Ordinance #9172; and

To adopt as amended "An Ordinance Extending the Cable Television Franchise Granted by Ordinance Number 9172" was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12106**

At this time during the meeting, the following zoning case [GBA Item #8] was discussed.

**SUBJECT: ZONING CASE: P00-68 - CITY OF DURHAM - CALBAR/DEALERS SUPPLY - 19.629 ACRES SOUTH OF RIDDLE ROAD AND DURHAM & SOUTHERN RAILROAD AT BRIGGS AVENUE (TAX MAP #406-1-3, 3C AND #566-3-24A)**

**[THIS ITEM WAS CONTINUED FROM THE OCTOBER 16, 2000 CITY COUNCIL MEETING]**

Initiated By: City of Durham

(Applicant: Calbar/Dealers Supply)

Location: 19.629 acres south of Riddle Road and Durham & Southern Railroad at Briggs Avenue (Tax Map #406-1-3, 3C and #566-3-24A)

Request: Rezoning from I-2(D) to I-2(D)--Change in Development Plan

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2(D) and placing same in and establishing same as I-2(D)--**Change in Development Plan.**

Zoning Committee's Recommendation and Vote: Denial (0-7)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, informed the Council that Ms. Stains-Ramp will be entering into the record the changes and negotiated conditions offered by the applicant.

Shelia Stains-Ramp, of the City/County Planning Department, noted for clarification the following changes to the development plan:

1. A 6' difference in the elevation between the applicant's temporary driveway and the property line held in common with the adjacent neighbor, Mr. Langford for a distance of 200'.
2. The solid wood fence will be 8' for a distance of 200' along the shared property line.
3. The purchase and installation of more "mature" vegetation along the 8' high fence line using 12 to 14' high trees (Leyland Cypress) as opposed to the original height of 8-10' plants, and 4-5' high bushes instead of 30" to 36" plants.
4. The buffer is shown on the latest map we have at 17' deeper than originally provided. Since it is shown we don't need separate verification.
5. The sidewalk will be relocated to the west side of the drive

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to allow for an additional 5' of vegetative buffer between the shared property line and the proposed driveway.

Mr. Hutson, representing the applicant, noted report given by Shelia Stains-Ramp is consistent with the agreement of the applicant. Also, he stated that Dealers Supply would work with the City in the extension of Briggs Avenue and continue to pursue the railroad crossing at-grade level of CSX.

No one spoke in opposition to the rezoning request.

Mayor Tennyson declared the public hearing closed.

Mayor Pro Tempore Clement spoke in support of the rezoning.

Council Member Blyth asked the neighbor, Mr. Langford, if he was comfortable with the arrangements that have been made.

Mr. Langford replied yes.

Katie Kalb, Public Works Director, made comments about the at-grade crossings noting that the railroad would eliminate three that exist today but they did not clarify if they would be in the City or County.

Council Member Blyth asked staff to seek clarification on whether the closure of three at-grade crossings would be in the City or County.

Council Member McKissick asked staff to clarify note outlined in the development plan relating to the temporary access and the obligation of the developer to build the Briggs Avenue Extension.

Shelia Stains-Ramp read the following: Initially parcel 1 will be developed as access via Riddle Road. At such time, the Briggs Avenue Extension is constructed, access to Riddle Road shall be terminated and access to Briggs Avenue Extension will be constructed as shown. This change in access shall occur at no cost to the City of Durham. Development of Parcels 2 or 3 or construction of building area greater than 132,000 square feet requires construction of Briggs Avenue Extension to provide access. In the event that Briggs Avenue is initiated by the City of Durham and/or NCDOT, the cost of Briggs Avenue Extension shall not be by the developer.

The dedication right-of-way for Briggs Avenue Extension and Riddle Road shall occur prior to issuance of building permit for the initial phase.

City Manager P. Lamont Ewell made comments on the Briggs Avenue Extension, Thoroughfare Plan, the City's policy and funding.

Council Member Cheek asked the applicant if Dealer's Supply would be dedicated to parcels 2 and 3 at sometime in the future.



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Mr. Hutson noted yes.

Council Member Hill disclosed that he has two employers that provide Dealer's Supply with medical benefits but he does not have any financial interest in this matter.

Mr. Langford thanked City Manager Ewell and Jackie Brown for their help regarding this situation.

Discussion was held by Council on the temporary access and 8' fence.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-2(D) and placing same in and establishing same as I-2(D)--**Change in Development Plan** was approved at 8:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED TAXICAB SURCHARGE INCREASE**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Samuel Bratcher, of Durham's Best Taxi, spoke in support of this item noting that the increase is needed to help offset some of their operating costs, i.e., insurance, drug testing, gas, etc.

Alfred Clark, President of ABC Cab Co., spoke in support of this item because of the increase in gas prices.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick, Chair of Passenger Vehicle for Hire Commission Subcommittee, spoke in support of this item.

Council Member Stith asked if there was any input from citizens concerning this matter.

Council Member McKissick noted no special advertising was done relating to this issue. Also, he noted that he hasn't heard of any citizen speaking in opposition to the surcharge increase.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning an additional proposed interim taxicab surcharge of \$1.00 per trip; and

To adopt "An Ordinance Adding an Interim Surcharge to Passenger Vehicle for Hire Rates" was approved at 8:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12107**

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO JULY 1, 2000 - THE BATTERY AT SOUTHPOINT (2001-03) - (SNEED PROPERTY/LODGE AMERICA)**

**a. The Battery at Southpoint (2001-03)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments concerning annexation of The Battery at Southpoint (Sneed Property/Lodge America), 8.76 acres contiguous to City limits, located on the west side of N.C. Highway 751 south of I-40; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (The Battery at Southpoint - Sneed Property/Lodge America)" was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12108**

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO JULY 1, 2000/SUPPLEMENTAL FIRE PROTECTION SERVICES - ANGIER AVENUE DEVELOPMENT (2001-04)**

**b. Angier Avenue Development (2001-04)**

Ruffin Hall, of Budget, requested Council to continue the public hearing until the November 20, 2000 City Council Meeting. He noted that the updated certificate of title has not been submitted.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**1) Annexation**

To receive citizens' comments concerning annexation of Angier

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Avenue Development, 8.53 acres non-contiguous to the City limits, located on the south side of Angier Avenue west of Miami Boulevard.

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Angier Avenue Development)."

**MOTION** by Council Member Blyth seconded by Council Member Stith to continue the public hearing until the November 20, 2000 City Council Meeting without further advertising was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

## **2) Supplemental Fire Protection Services**

To authorize the City Manager to execute an amendment to modify the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection to the Angier Avenue Development over a five-year period with the same terms and conditions as services are provided to other areas in such contracts.

**MOTION** by Council Member Blyth seconded by Council Member Stith to continue this item until the November 20, 2000 City Council Meeting without further advertising was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO JULY 1, 2000 - TRIAD ANNEXATION/SHERRON ROAD (2001-05)**

### **c. Triad Annexation/Sherron Road (2001-05)**

Ruffin Hall, of Budget, informed Council that he received a letter from the applicant requesting that the public hearing be delayed until the December 18, 2000 City Council Meeting.

Will Anderson, representing the applicant, spoke in support of the deferral until December 18, 2000 due to infrastructure cost.

Mayor Tennyson noted the need to advertise again due to the long delay.

## **1) Annexation**

To receive citizens' comments concerning annexation of Triad Annexation/Sherron Road, approximately 712 acres non-contiguous to

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the City limits, located on or off the southeast side of Sherron Road between the intersections with U.S. 70 and with Holder Road.

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Triad Annexation/Sherron Road)."

**MOTION** by Council Member Larson seconded by Council Member Jacobs to defer this item until the December 18, 2000 City Council Meeting with further advertising was approved at 8:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

## **2) Supplemental Fire Protection Services**

To authorize the City Manager to execute an amendment to modify the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection for the Triad Annexation/Sherron Road area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to defer this item until the December 18, 2000 City Council Meeting with further advertising was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO JULY 1, 2000 - FARRINGTON ROAD DEVELOPMENT (2001-06)**

### **d. Farrington Road Development (2001-06)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member Hill stated the property for annexation is within 500 yards of his home.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning annexation of Farrington Road Development, 38.654 acres contiguous to the City limits, located on the southeast side of Farrington Road between the intersections with Trenton Road and with Hunters Ridge Lane; and

To adopt "An Ordinance Annexing to the City of Durham an Area

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Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Centex/Farrington Road Development)" was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12109**

**SUBJECT: HISTORIC LANDMARK DESIGNATION - GOLDEN BELT  
MANUFACTURING COMPANY COMPLEX - LD 00-1**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Blyth seconded by Council Member Larson to receive citizens' comments concerning the historic landmark designation of Golden Belt Manufacturing Complex, 807 East Main Street; and

To adopt "An Ordinance Providing for the Designation of the Golden Belt Manufacturing Company Complex as a City of Durham Historic Landmark" was approved at 8:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12110**

**SUBJECT: HISTORIC LANDMARK DESIGNATION - FORMER CITY GARAGE YARD  
AND FIRE TOWER, LD 00-2**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Blyth seconded by Council Member Larson to receive citizens' comments concerning the historic landmark designation of the Former City Garage Yard and Fire Tower, 500 Morris Street; and

To adopt "An Ordinance Providing for the Designation of the [Former] City Garage Yard and Fire Tower as a City of Durham Historic Landmark" was approved at 8:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.

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Absent: None.

**Ordinance #12111**

**SUBJECT: HISTORIC LANDMARK DESIGNATIONS - POWE HOUSE AND ERWIN COTTAGE LD 00-3.**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Blyth seconded by Council Member Larson to receive citizens' comments concerning the historic landmark designation of the Powe House and Erwin Cottage, 112-114 Swift Avenue (1503 Pettigrew Street); and

To adopt "An Ordinance Providing for the Designation of the Powe House and Erwin Cottage as a City of Durham Historic Landmark" was approved at 8:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12112**

**SUBJECT: ZONING CASE: P00-27 (INITIAL ZONING OF NEWLY ANNEXED TERRITORY) - CITY OF DURHAM - EAST SIDE OF BURTON ROAD BETWEEN GEER STREET AND CHEEK ROAD**

Initiated By: City of Durham

Location: East side of Burton Road between Geer Street and Cheek Road

Request: RD (Rural District) and R-20 (Residential 20 District) (F/J-B)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed. Existing zoning is RD and R-20 (F/J-B).

Zoning Committee's Recommendation and Vote: Approval (6-1)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish RD and R-20 (F/J-B) zoning for the above described newly annexed property was approved at 8:29 p.m. by the following vote: Ayes: Mayor

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Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING CASE: P00-44 - GAR, INC. - 1.57 ACRES ON THE NORTH SIDE OF NC 54 WEST OF 751 (TAX MAP #428-03-06)**

Applicant: GAR, Inc.

Location: 1.57 acres on the north side of NC 54 west of 751 (Tax Map #428-03-06)

Request: Rezoning from R-20 (Residential 20 District) to OI-2(D) (General Office and Institution District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as OI-2(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

Planning Department's Recommendation: Approval

Mayor Tennyson noted that he received a fax from the applicant who requested that this matter be continued for one cycle.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to continue the public hearing until the November 20, 2000 City Council Meeting without further advertising was approved at 8:30 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[OTHER MATTERS]**

**SUBJECT: APPEAL OF THE DECISION BY THE PASSENGER VEHICLE FOR HIRE COMMISSION CONCERNING REVOCATION OF TAXICAB DRIVER'S PERMIT - MR. DOCTOR EVANS, JR.**

To hear an appeal by Mr. Doctor Evans, Jr. regarding the decision by the Passenger Vehicle for Hire Commission to revoke his taxicab driver's permit.

To conduct the appeal under Chapter 22, Section 22-79 (a) (2) of the Durham City Code.

Alfred Clark, President of ABC Cab Company, spoke in opposition to revoking Mr. Evans' permit. He made comments about his driving record and asked Council not to take him off the street.

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Doctor Evans, Jr. noted that he would like another chance to do his job.

Council Member Larson spoke in support of a 12-month probation period with periodic drug testing.

Gracie Chamblee, Taxicab Inspector, made comments about the amendment to the Passenger Vehicle for Hire Ordinance which deals with revocation that will be considered by the Passenger Vehicle for Hire Subcommittee November 16, 2000.

A motion was made by Council Member McKissick to suspend Mr. Evans' permit for two months subject to carrying out the treatment program.

The motion dies for a lack of a second.

Mr. Evans made comments about why he did not make his first counseling session on October 17, 2000.

Mayor Pro Tempore Clement asked Mr. Evans to give a report to Ms. Chamblee concerning his attendance at these sessions.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Larson to place Mr. Evans on 12-month probation during which time he will undergo four regular drug assessment programs monitored by the Taxicab Inspector.

Gracie Chamblee made comments about the ordinance.

Council Member Cheek noted that he couldn't support the probation, drug assessments, unannounced drug testing, etc. at this time because the ordinance mandates revocation.

A substitute motion was made by Council Member Cheek seconded by Council Blyth to continue this hearing until the ordinance is revised incorporating changes.

City Attorney Henry Blinder made comments about the hardship provision in the ordinance.

Council Member Cheek withdrew his substitute motion and made a friendly amendment to the original motion to submit Mr. Evans to unannounced drug testing during the one-year probation.

Mayor Pro Tempore Clement accepted the friendly amendment.

Council Member Blyth expressed concern about the issue of public safety.

A substitute motion was made by Council Member Blyth to delay this item for one cycle to allow the City Manager to review this situation further with the City Attorney and party involved to see what Council can and cannot do within the current ordinance.



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The substitute motion dies for a lack of a second.

Council Members Stith and Jacobs spoke in support of the original motion.

Mayor Tennyson noted for clarification the motion is to hold in abeyance for 12 months the revocation of Doctor Evans' permit contingent upon the completion by the first of year the Counseling services described in the letter dated October 11, 2000 by the Durham Drug & Alcohol Services/DWI, Inc., that there be random drug tests during that 12-month period paid for by Mr. Evans at times directed by the Taxicab Inspector in consultation with the counselor from the Drug & Alcohol Services/DWI, Inc.

Council Member Blyth made a substitute motion to suspend Mr. Evans' permit for three months during which time he cannot drive, will be expected to complete four counseling sessions, submit to random testing during which time Council will receive a progress report and a recommendation from a substance abuse professional.

The substitute motion dies for a lack of a second.

Mayor Tennyson spoke in opposition to the motion.

Council held discussion on Mr. Evans' exceptional record, random drug testing, and mandatory counseling sessions, the Passenger Vehicle for Hire Ordinance, public safety, probation and suspension of license.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to place Mr. Evans on a 12-month probation during which time he will undergo four mandatory drug assessment sessions at his expense, random drug testing for one year and progress reports to be provided to the Taxicab Inspector was approved at 9:10 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Members Blyth and Langley. Absent: None.

**SUBJECT: PROPOSED TEN-YEAR LEASE AGREEMENT FOR POLICE SUBSTATION TO SERVE DISTRICT #4 - UDI COMMUNITY DEVELOPMENT CORPORATION - EAGLE COMMONS SHOPPING CENTER**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a Lease Agreement between the City of Durham and UDI Community Development Corporation to lease space in the Eagle Commons Shopping Center for a police substation to serve District #4, and to authorize the City Manager to make changes to the Lease Agreement provided such changes do not increase the rental rate or change the substance of the Agreement was approved at 9:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council

**November 6, 2000**

Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[SUPPLEMENTAL ITEMS]**

**SUBJECT: WEED AND SEED INITIATIVE - FISCAL YEAR 2000 - 2001 - U.S. DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS GRANT**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Grant Project Ordinance FY 2000-2001 U.S. Department of Justice Office of Justice Programs Grant for the Weed and Seed Initiative" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Ordinance #12113**

**SUBJECT: RESOLUTION MEMORIALIZING MR. FRANK G. BURNETT**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to direct the City Clerk to draft a resolution memorializing Mr. Frank G. Burnett was approved at 9:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[ITEMS PULLED FROM CONSENT AGENDA]**

**SUBJECT: CITY COUNCIL PROCEDURES COMMITTEE - QUESTIONS RELATED TO DOWNSIZING THE CITY COUNCIL**

Council Member McKissick asked if site visits could be addressed as part of the list.

Mayor Tennyson noted that Item 24 is to ask staff to identify potential locations for site visits and at some future point determine if it would be needed.

A motion was made by Council Member Larson to accept the list as amended and to refer it to the Council Procedures Committee for their work with staff.

The motion dies for a lack of a second.

Council Member Blyth asked that Item 24 [site visits] be severed.

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Relative to Item 20, Council Member McKissick requested a list of boards that Council Members serve on.

**MOTION** by Council Member Jacobs seconded by Council Member Cheek to receive a report on questions from the Procedures Committee meeting on October 16, 2000; and

To accept the list of questions related to City Council Reduction outlined in the following memo dated November 6, 2000 and to refer this list to the City Manager to assign staff to provide answers to the questions was approved at 9:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, Stith and Wagstaff. Noes: Council Member McKissick. Absent: None.

**MOTION** by Council Member Jacobs seconded by Council Member Cheek to add site visits to the list and to direct staff to come up with a list of places to visit and outline the budget impact of those visits **FAILED** at 9:17 p.m. by the following vote: Ayes: Council Members Burnette and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Edwards, Hill, Jacobs, Langley, Larson, Stith and Wagstaff. Absent: None.

## **CITY OF DURHAM NORTH CAROLINA**

### **MEMORANDUM**

November 6, 2000

TO: Mayor and Members of City Council

FROM: Nancy C. Law, Assistant to the City Manager

SUBJECT: Questions Related to City Council Reduction

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City Council members have submitted the following questions for staff review and analysis. This list is a compilation of questions raised during a meeting of the Procedures Committee on October 16, 2000, and questions submitted in writing by Council members not in attendance at that meeting.

#### **Ward System Boundaries**

1. Revision of the ward system:
  - a. When will the new census figures be available?
  - b. Are preliminary projections on census figures available from the Planning

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Department, and how reliable are they?

- c. Have we retained consultants for this process in the past? Should we retain consultants in this case?
2. How are wards configured? Are they based on
  - a. Geography?
  - b. Population?
  - c. Is racial balance considered?
3. Council members that currently represent different wards may, if they chose to run again, run against each other in the same ward after the new boundaries are drawn. Can current Council members represent different wards after redistricting?
4. Will citizens have input into how the wards will be drawn? Will citizens make a recommendation to Council, and then Council will decide, or will Council make the decision itself?
5. Should we consider voting by ward rather than at-large for ward representatives? What would the implications of that be? Would this be accomplished by charter amendment?
6. Will census data be available in January that we can use to begin to draw ward boundary lines? What will happen if we do not have the final census data in April? What is our back-up plan for what data to use?

#### Citizen Participation

7. How can we ensure that citizens will have input into this process?
8. What methods of public participation/public hearings have been effective in the past (in Durham and elsewhere)?
9. Fayetteville recently reduced their council from 13 to 9 members. Can staff contact someone there to find out how they provided for public input, and what lessons they learned, and what mistakes they made that could be helpful to us?
10. Will fewer committees mean that the public will have fewer opportunities to access Council?

#### Council Committee Structure and Procedures

11. Can we receive information about other cities (those with population greater than 40,000 and/or with councils of 7-10 members) that may serve as models? How do they function? What structure do they use?
  - a. Agenda development
  - b. Committee structure, roles and responsibilities
  - c. Council member compensation
  - d. Whether members are expected to be full-time or part-time

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12. Please provide research on alternative committee structures, such as alternating work sessions (COW meetings) and Council meetings each week.
13. How will the Council manage agenda items? Will committees still be necessary?
14. Can we reduce the number of Council sub-committees that may have overlapping areas of concern to reduce the total number of committees?
15. Are there issues related to council reduction that will require legislative action? Will any issues need to be addressed in the upcoming legislative session?
16. What issues need to be addressed through charter amendments? Do any need further voter approval?
17. Research current procedures we are working with and charter provisions to determine the changes that are required in light of the reduced number of members (for example, what is the number of votes required in cases where a protest petition is found sufficient?).

#### **Council Member Responsibilities**

18. How many hours will council members be expected to serve, and what level of compensation should be set?
19. Should the Mayor's position be a full-time job?
20. There are a number of outside boards that require representation by a public official in their by-laws. Should there be a core group of boards that council members are expected to serve on?
21. The City Attorney should review the City Charter to assess the roles of the City Manager, Mayor, and Council members.

#### Timeline

22. What is our timeline, working backward from any deadlines that must be met?
23. Can we set a goal of structuring a more specific timeline (by consensus) to be able to tell the public what the new government structure will look like 60-90 days before the deadline for filing?

**SUBJECT: SUSPENSION OF INSPECTION FEE WAIVER FOR DURHAM HOUSING AUTHORITY - HOPE VI GRANTS**

Council Member Blyth expressed concern about the ordinance adopted in 1989. Therefore, she asked the City Manager to work with staff to identify how much money has not been reimbursed to the City

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since the inception of ordinance and requested a report within 30 days on the total amount of tax dollars contributed to this service.

**MOTION** by Council Member Blyth seconded by Mayor Pro Tempore Clement to adopt a "Resolution Suspending Operation of Resolution #7343 for Projects Funded by HOPE VI Grants" was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**Resolution #8709**

There being no further business to come before the City Council, the meeting was adjourned at 9:19 p.m.

D. Ann Gray, CMC  
City Clerk

Linda E. Bratcher  
Deputy City Clerk